



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

WALTER E. WHITCOMB
COMMISSIONER

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

PERMIT

AMENDMENT A TO DEVELOPMENT PERMIT DP 4811

The staff of the Maine Land Use Planning Commission, after reviewing the application and supporting documents submitted by Out On A Limb Maple Farm LLC., for Amendment A to Development Permit DP 4811, finds the following facts:

1. Applicant: Out On A Limb Maple Farm LLC.
Attn: Shawn Dunning
PO Box 338
Jackman, ME 04945
2. Date of Completed Application: August 18, 2015
3. Location of Proposal: Bald Mountain., Somerset County
Part of Plan 01 Lot #1
4. Zoning: (M-GN) General Management Subdistrict
5. Lot Size: 1 Acre
Tapping area acreage unspecified within lease
Lease # 2015-01
6. Development: Existing 32 foot by 80 foot Sugar House; constructed 2008
Existing 12 foot by 35 foot Shed; constructed 2012
Proposed 60 foot by 100 foot Sugar House Expansion
Proposed 40 foot by 60 foot Storage/Generator Building

Background:

7. Development Permit DP 4811, issued to Gary R. Merrill in October of 2008, authorized the construction of a maple syrup processing facility. The maple syrup processing facility consisted of a 32 foot by 80 foot sugar house and associated parking to be located greater than 75 feet from nearest roadway and greater than 25 feet from nearest property boundary line.

Proposal:

8. Out On A Limb Maple Farm LLC. proposes to expand the existing 32 foot by 80 foot Sugar House with a 60 foot by 100 foot addition. The applicant also proposes to construct a 40 foot by 60 foot Storage/Generator Building. All proposed construction will be on a permanent foundations and will be located greater than 250 feet from any wetland. Greater than 75 feet from nearest roadway and greater than 25 feet from nearest property boundary line. Associated parking will be located greater than 250 feet from any wetland. Greater than 75 feet from nearest roadway and greater than 25 feet from nearest property boundary line.

Review Criteria:

9. Under provisions of Section 10.22,A,3,c,(8) of the Commission's Land Use Districts and Standards, maple sugar processing operations may be allowed within a (M-GN) General Management Subdistrict upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III.
10. Pursuant to the Dimensional Requirements of Section 10.26 of the Commission's Land Use Districts and Standards for commercial, industrial, and other non-residential uses involving one or more buildings, the minimum lot size is 40,000 square feet; the minimum road frontage is 200 feet; the minimum setbacks are 75 feet from the traveled portion of all roadways, 100 feet from the shoreline of a flowing water draining less than 50 square miles, and 25 feet from the side and rear property lines; and the maximum building height is 100 feet.
11. The facts are otherwise as represented in Amendment A to Development Permit Application DP 4811 and supporting documents.

Based upon the above Findings, the staff concludes that:

1. The proposed maple sugar processing facility would be in compliance with Section 10.22,A,3,c,(8) of the Commission's Land Use Districts and Standards.
2. The proposed maple sugar processing facility would be in compliance with Section 10.26 of the Commission's Land Use Districts and Standards in that the facility would be located on a lot greater than 40,000 square feet with a minimum road frontage exceeding 200 feet, and the setback of the facility would be greater than 75 feet from the road, greater than 100 feet from a stream draining less than 50 square miles, and more than 25 feet from the nearest property line.
3. If carried out in compliance with the Conditions below, the proposal would meet the Criteria for Approval §685-B(4) of the Commission's Statutes, 12 M.R.S.A., and Sub Chapter III of the Commission's Land Use Districts and Standards.

Therefore, the Commission approves the application of Out On A Limb Maple Farm LLC. for a maple sugar processing facility, with the following Conditions:

1. The Standard Conditions of Approval For All Development Permits (ver. 04/04)
2. All authorized structures must be located, designed and landscaped to reasonably minimize their visual impact on the surrounding area, particularly when viewed from existing roadways or shorelines.
3. All exterior lighting must be located and installed so as to illuminate only the target area to the extent possible. Exterior lighting must not produce a strong, dazzling light or reflection beyond lot lines onto neighboring properties, water bodies, or roadway so as to impair driver vision or to create nuisance conditions.
4. The driveway must be located and constructed so that (a) it will not erode or create any undue restriction or disruption of existing surface water drainage ways and (b) it will divert runoff to a vegetated buffer strip so as to prevent it from directly entering a water body, mapped P-WL1 wetland or roadway.

5. Provision shall be made for vehicular access to and within the project premises in such a manner as to avoid traffic congestion and safeguard against hazards to traffic and pedestrians along existing roadways within the project area. Development shall be located and designed so that the roadways and intersections in the vicinity of the development will be able to safely and efficiently handle the traffic attributable to the development in its fully operational stage.
6. Activities involving sources of potential contamination, including junkyards, automobile graveyards, gas stations, and bulk storage of petroleum products, must be located at least 300 feet from existing private and public water supplies.
7. The lot may not be further divided without the prior review and approval of the Commission. In addition, certain restrictions, including subdivision, setback and minimum lot size requirements, and activities on the original parcel from which the lot was first divided, may limit or prohibit a division of the lot in the future. The permittee is hereby advised to consult applicable land use laws and rules and with the Commission prior to any future division of the lot.
8. The enclosed permit certificate must be posted in a visible location on your property immediately after receipt and during development of the site and construction of the structures and activities approved by this permit.
9. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 5 years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
10. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all erosion and sedimentation control devices (including ditches, culverts, sediment traps, settling basins, hay bales, silt fences, etc.) have been installed and stabilized. Once in place, such devices shall be maintained to ensure proper functioning. All temporary sedimentation and erosion control devices shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been effectively implemented. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.
11. All authorized structures and parking areas must be set back a minimum of 75 feet from nearest roadways, 25 feet from nearest property boundary lines and 100 feet from streams.
12. All fuel storage tanks shall comply with all standards and regulations administered by the Maine Fire Marshall's Office, The Department of Environmental Protection and The Maine Fuel Board. Copies of issued permits or licenses for fuel storage shall be forwarded to the Maine Land Use Planning Commission.
13. This permit does not authorize the facility for retail sales.
14. The permittee shall abide by all terms and conditions set forth in their lease agreement.

15. The permittee shall secure and comply with all other applicable licenses, permits, and authorizations of all federal, state and local agencies including, but not limited to, the Maine Department of Health and Human Services, the State of Maine Fire Marshall, and the Local Plumbing Inspector. Copies of these approvals must be forwarded to the appropriate Commission Field Office.
16. Once construction is complete, the permittees shall submit a self-certification form, notifying the Commission that all conditions of approval of this permit have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of this permit.
17. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the permittees comply with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT GREENVILLE, MAINE, THIS 18th DAY OF AUGUST, 2015.

By: 
for Nicholas Livesay, Director



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**STANDARD CONDITIONS OF APPROVAL
FOR ALL DEVELOPMENT PERMITS**

1. The permit certificate must be posted in a visible location on your property during development of the site and construction of all structures approved by this permit.
2. This permit is dependent upon and limited to the proposal as set forth in the application and supporting documents, except as modified by the Commission in granting this permit. Any variation therefrom is subject to the prior review and approval of the Maine Land Use Planning Commission. Any variation from the application or the conditions of approval undertaken without approval of the Commission constitutes a violation of Land Use Planning Commission law.
3. Construction activities authorized in this permit must be substantially started within two (2) years of the effective date of this permit and substantially completed within five (5) years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
4. The recipient of this permit ("permittee") shall secure and comply with all applicable licenses, permits, and authorizations of all federal, state and local agencies including, but not limited to, natural resources protection and air and water pollution control regulations and the Subsurface Wastewater Disposal Rules of the Maine Department of Environmental Protection and the Maine Department of Human Services.
5. Setbacks of all structures, including accessory structures, from waterbodies, roads and property boundary lines must be as specified in conditions of the permit approval.
6. In the event the permittee should sell or lease this property, the buyer or lessee shall be provided a copy of the approved permit and advised of the conditions of approval. The new owner or lessee must contact the Land Use Planning Commission to have the permit transferred into his/her name and to reflect any changes proposed from the original application and permit approval.
7. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.
8. The permittee shall not advertise Land Use Planning Commission approval without first obtaining Commission approval for such advertising. Any such advertising shall refer to this permit only if it also notes that the permit is subject to conditions of approval.
9. Once construction is complete, the permittee shall notify the Commission that all requirements and conditions of approval have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of the application and the conditions of approval. Following notification of completion, the Commission's staff may arrange and conduct a compliance inspection.

Administrative Policy Revised 04/04



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August 18, 2015

Applicant: Out On A Limb Maple Farm LLC.
Attn: Shawn Dunning
PO Box 338
Jackman, ME 04945

RE: Approved LUPC Amendment A to Development Permit DP 4811

Enclosed is a copy of Land Use Planning Commission Amendment A to Development Permit DP 4811 for proposed activities in Bald Mountain Township. Please read the enclosed permit carefully, paying special attention to the conditions of approval, as your permit is valid only if you comply with those conditions. Any changes in your plans or additional construction in the future must be reviewed and approved as an amendment to your permit.

Thank you for your patience and cooperation. Should you have any further questions or if we may be of any other assistance, please contact the Greenville Office at (207) 695-2466.

Sincerely,

Ted Wolfertz
Regional Representative
Permitting and Compliance Division

Enclosure: LUPC Amendment A to Development Permit DP 4811
Notice of Authorization to Proceed (Permit Certificate)
Standard Conditions Of Approval For All Development Permits

Xc: DP 4811 file